

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 1:95-cr-41-01

Plaintiff,

HON. RICHARD ALAN ENSLEN

v.

JAMES EDWARD SMITH,

Defendant.

ORDER

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This matter is before the Court on Defendant James Edward Smith's request for an extension of time to file a Notice of Appeal of this Court's Order and Amended Judgment issued May 6, 2005. Defendant filed his Notice of Appeal on June 3, 2005. Under Federal Rule of Appellate Procedure 4(b)(1)(A), Defendant's notice of appeal was due May 20, 2005.

Pursuant to Fed. R. App. P. 4(b)(4), the Court may extend the time to file a notice of appeal “[u]pon a finding of excusable neglect or good cause.” Upon review, the Court finds that Defendant has failed to show excusable neglect or good cause warranting an extension of time. Defendant asserts that there is only one person who could assist Defendant with the filing of a notice of appeal and that this person was unavailable until June 1, 2005. However, Defendant does not explain why he was limited to that one person or why he could not ask others for assistance in filing a notice of appeal.

THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion Requesting an Extension of Time to File Notice of Appeal (Dkt. No. 375) is **DENIED**.

DATED in Kalamazoo, MI:
July 18, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
UNITED STATES DISTRICT JUDGE